IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1431/2007
(Puna Ram Vs. Smt. Manohari Devi)

Date of Order : 09/10/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. R.S.Choudhary for the petitioner.

BY THE COURT:-

Heard learned counsel for the petitioner.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 24.5.2007 passed by the Judicial Magistrate, Kolayat, district Bikaner (for short 'the trial court' hereinafter), whereby the trial court granted interim maintenance in favour of respondent at the rate of Rs. 300/- per month from the date of application.

The only contention raised by the counsel for the petitioner is that the trial court fell in error in awarding interim maintenance from the date of application, according to him, the interim maintenance allowance should have been awarded from the date of order and the petitioner is prepared to pay the

monthly allowance of interim maintenance from the date of the order.

The contention raised by the counsel for the petitioner cannot be accepted in view of Division Bench decision of this Court in Smt. Savita Sharma Vs. Shri Krishan Murari 1990 (1) RLR 400.

In this view of the matter, no case for interference is made out. The criminal misc. petition is, therefore, dismissed.

(H.R.PANWAR),J.

rp

S.B.Cr. Stay Petition No.847/2007
In
S.B.CRIMINAL MISC. PETITION NO. 1431/2007
(Puna Ram Vs. Smt. Manohari Devi)

Date of Order : 09/10/2007

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. R.S.Choudhary for the petitioner.

Since the criminal misc. petition itself has been dismissed, the stay petition also stands dismissed.

(H.R.PANWAR),J.

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